



Application No. (if known): 10/088,319

Attorney Docket No.: 05983/100G123-US2

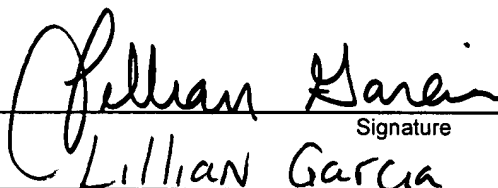
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MS Amendment
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Response to Restriction Requirement
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ifw 1644



Dated:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/088,319

Confirmation No.: 1541

Filed: September 18, 2002

Art Unit: 1644

For: ALTERED NUCLEOTIDE SEQUENCE IN
CD40 LIGAND PROMOTER

Examiner: P. Gambel

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed January 4, 2006, applicants provisionally elect the invention of Group I, claims 1-3 for prosecution with the above-identified application with traverse.

The reasons for traversal are as follows:

Applicants respectfully submit that the invention of Groups I-V have a special technical feature that defines the contribution over the Schubert et al. article. The difference between the pending claims the Schubert et al. article is a substitution of a C for the A at position -125 from the transcription start site (see FIG. 2 and FIG. 5). As described in the instant specification on page 29, lines 11-13, Position -125 from the transcription start site corresponds to residue No. 331 in SEQ ID NO:1 (Schubert), wherein residue No. 331 is an A whereas in SEQ ID NO:2 it is a C, showing an A to C alteration at position No. 331. As described in the instant specification on page 8, lines 19-22:

Applicants have surprisingly discovered that the altered promoter is increased in prevalence in individuals with RA. Without being bound to any specific theory, it is believed that this altered promoter contributes to increased gene expression, protein production, and inflammation in the synovial membrane.

Therefore, nucleotides 331-455 of Schubert et al. (SEQ ID NO:1) and the above-identified application (SEQ ID NO:2) are different and the difference has functional consequences.

Therefore, Applicants respectfully submit that Schubert et al. does not teach the claimed nucleic acid, vector and host cell. Therefore, Groups I-V are so linked by the same or a corresponding special technical feature as to form a single general inventive concept and therefore Restriction is not proper and the requirement should be withdrawn.

Issuance of a favorable office action on the merits of the pending claims is earnestly solicited.

Dated: February 3, 2006

Respectfully submitted,

By 

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